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AMENDMENTS TO THE CLAIMS

1. (Previously Presented) A drive having at least one linear motor, which linear motor includes a secondary part positioned between a first primary part and a second primary part, the drive comprising: the primary parts being movable relative to one another and at least one compensation means which acts by a compensating normal force against an attractive normal force between each of the primary parts and the secondary part.

2. (Original) The drive according to claim 1 wherein said compensation means carries the primary parts.

3. (Original) The drive according to claim 1 wherein the primary parts carry at least one guide element which guides the drive along the secondary part and that the primary parts carry at least one brake element which holds and brakes the drive along the secondary part.

4. (Original) The drive according to claim 3 wherein the primary parts carry at least one setting element which moves at least one of the guide element and the brake element towards the secondary part or away from the secondary part and brings said at least one of the guide element and the brake element into contact with the secondary part.

5. (Original) The drive according to claim 4 wherein the primary parts are separated from the secondary part by air gaps which change in the width thereof by movement of at least one of the guide element and the brake element towards and away from the secondary part.

6. (Original) The drive according to claim 5 wherein the width of the air gaps is at a maximum and the attractive normal force between the primary parts and the secondary part is small in a first end setting where the guide element guides the drive into contact with the secondary part and the width of the air gaps is at a minimum and the attractive normal force between the primary parts and the secondary part is large in a second end setting where the brake element keeps the drive in contact with the secondary part.

7. (Original) The drive according to claim 4 wherein the setting elements do not move the compensation means towards or away from the secondary part, the brake element is connected by way of a brake lever with a support means and the brake element presses by a lever against the secondary part.

8. (Original) The drive according to claim 7 wherein the support means comprises at least one safety brake trigger, that the activated safety brake trigger fixes the compensation means, which is biased by the compensating normal force, at least partly in the primary parts and the deactivated safety brake trigger releases the compensating normal force of the compensation means.

9. (Original) The drive according to claim 1 wherein the drive comprises a plurality of linear motors connected in series.

10. (Previously Presented) A method of operating a drive with at least one linear motor, which linear motor includes a secondary part positioned between a first primary part and a second primary part, comprising the steps of: a) providing an attractive normal force that acts between each of the primary parts and the secondary part along a direction (Y) of action transverse to a direction (X) of movement of the drive wherein the primary parts are movable relative to one another; and b) providing at least one compensation means that acts against the attractive normal force by a compensating normal force.

11. (Original) The method according to claim 10 including a step of operating the linear motor in a first operating mode wherein the linear motor is deactivated and solely the compensating normal force of the compensation means spaces the primary parts from the secondary part, which guides the drive in a holding manner, or operating the linear motor in a second operating mode wherein the linear motor is activated and a width of air gaps between the primary parts and the secondary part is set to a maximum, which reduces the attractive normal force between the primary parts and the secondary part and guides the drive in holding manner, or operating the linear motor in a third operating mode wherein the linear motor is activated and a width of air gaps between the primary parts and the secondary part is set to a minimum, which increases the attractive normal force between the primary parts and secondary part and brakes the drive, or operating the linear motor in a fourth operating mode wherein the compensation means is deactivated and the primary parts are pressed by the full attractive normal force of the linear motor against the secondary part, which brakes the drive.

12. (Previously Presented) An elevator comprising: at least one car for moving persons or goods; a drive including at least one linear motor with a secondary part positioned between a first primary part and a second primary part; and at least one compensation means which acts by a compensating normal force against an attractive normal force between each of the primary parts and the secondary part, the primary parts being movable relative to one another.

13. (Original) The elevator according to claim 12 wherein said drive drives the car directly or drives a counterweight directly.

14. (Original) The elevator according to claim 13 wherein the car and the counterweight are connected by way of at least one connecting means and the drive moves one of the car and the counterweight with a 2:1 slinging or a 1:1 slinging.

15. (Original) The elevator according to claim 13 wherein the car,and the counterweight are connected by way of at least one connecting means and the secondary part extends over one of the entire length of the shaft and one half the length of the shaft.

REMARKS

Claims 1-15 remain in the application.

The Rejections:

In the Final Office Action dated October 9, 2007, the Examiner rejected Claims 1-7 and 9-15 under 35 U.S.C. 102(b) as being clearly anticipated by Gagnon et al. U.S. Patent No. 5,086,881.

Referring to Claims 1, 2 and 12, the Examiner stated that Gagnon discloses an elevator driven by a flat linear motor as claim (see all figures and respective portions of the specification). Gagnon further discloses in figures 1-3, a drive having a linear motor (12) that includes a secondary part {28) positioned between a first primary part (30) and second primary part (32), wherein the primary parts are movable relative to one another (see figures 2 and 3), and where a compensating means (68) carries the primary parts and acts by a compensating normal force against an attractive normal force between each of the primary parts (30, 32) and the secondary part (28) (see Col. 2, lines 50-53; Col. 3, lines 40-51 and figures 1-6).

As to Claims 3, 4 and 7, the Examiner stated that Gagnon discloses a primary assembly together with the primary parts in which at least one guide element (70, 72) having an attached setting means to guides the drive along the secondary part and in addition move the guide elements closer or farther to the secondary element. Furthermore, Gagnon discloses that brake elements are inherently included in the linear motor (see Col. 2, lines 45-47 and Col. 5, lines 41-47). Moreover, the setting elements do not move the compensation means (68) towards or away from the secondary part.

Referring to Claim 5, the Examiner stated that Gagnon discloses that each guide roller is utilized to maintain an air gap between each primary element (30, 32) and the secondary element (28) (see Col. 3, lines 37-39, lines. 44-47).

As to Claim 6, the Examiner stated that it is well-known in the art of linear motors used in elevator systems that the width of the air gaps is at a maximum and that the attractive normal force is small when the guide elements guides the drive (primary parts) into contact with the secondary part and vice versa if the brake elements keep the drive (primary parts) in contact with the secondary part.

Referring to Claim 9, the Examiner stated that it is well known in the art to stack more than one linear motor in series in an elevator shaft.

As to Claims 10 and 11, the Examiner stated that the method steps are inherent in the product structure of claims 1 and 6 above. Further discussion is omitted.

Referring to Claim 13, the Examiner stated that Gagnon discloses in figure 1, an elevator car (14) and a drive that drives a counterweight (34) directly.

As to Claim 14, the Examiner stated that Gagnon depicts from figure 1, an elevator car (14) and the counterweight (34) are connected by way of at least one rope (16), wherein the drive moves the elevator and the counterweight with a 2:1 slinging.

Referring to Claim 15, the Examiner stated that Gagnon depicts from figure 1, a secondary part (28) extending over the entire length of a shaft.

The Response:

The Examiner stated that the annotations in the annotated sheets of drawings that were received on 6/08/2007 are acceptable. Applicants are submitting herewith a clean version of two Replacement Sheets containing the corrected annotations for Figs. 1 and 2.

The Examiner rejected Claims 1-7 and 9-15 under 35 U.S.C. 102(b) as being clearly anticipated by Gagnon. In regards to Applicants' arguments that Gagnon does not teach or describe having a linear motor wherein the primary parts are movable relative to one another, the Examiner stated that even though Gagnon may describe that the primary parts are welded to the mainstays, this does not preclude the primary parts to move relative to one another as within the secondary supports (20) with the assistance of guide rollers (70, 72) as shown in figures 2 and 3.

Gagnon does not anticipate the present invention. The primaries **30, 32** of Gagnon clearly cannot move relative to each other (as recited in Applicants' independent claims). In fact, Gagnon **unquestionably teaches away** from this essential feature of the present invention.

In Gagnon, the primary elements **30, 32** of the linear motor **12** are welded to the mainstays **68** on opposing sides of the secondary element **28**. In turn, the mainstays **68** are fixed within the structural housing **26**. In Col. 3, Lines 29-61, Gagnon teaches that:

Each of the first and second upper cross-pieces **56, 60** and the first and second lower cross-pieces **58, 62**, has a first guide roller **70** and a second guide roller **72** attached thereto. The first guide rollers **70** are attached to the cross-pieces adjacent the first counterweight assembly **36** and engage bus bar **74**. The second guide rollers **72** are attached to the cross-pieces adjacent the second counterweight assembly and engage the secondary support **20** as will be discussed infra. Each guide roller is utilized to maintain an air gap between each primary element **30-32** and the secondary element **28**.

Each primary element, which are discussed infra, are affixed to the mainstays **68** by welding. Each mainstay strengthens and stiffens each primary element against deflection due to magnetic and other dynamic loads. Deflection of the primary elements must be minimized to maintain air gaps between each primary element and the secondary element thereby minimizing the potential for interference therebetween. Each mainstay also transmits the loads and forces within the motor assembly to the housing **26**. As a result, the housing (and the car **14** via ropes **16**) may be driven upwardly and downwardly by operation of the motor.

The Primary Elements

Each primary element of the motor is composed of a magnetic flux-carrying core material, such as steel in laminated form (shown as solid for ease of depiction in FIGS. 1-3), as is known in the art. The laminations are arranged vertically along the direction of travel of the linear motor. The laminations are compressed together by means of brackets **76** (see FIG. 6) and then welded to the mainstay **68** through the openings 77 not shown.

The Examiner stated that the primary parts are not precluded to move relative to one another as within the secondary supports **20** with the assistance of guide rollers **70, 72** as shown in Figs. 2 and 3. Applicants do not understand how the primary parts **30, 32** can move "within" the secondary support **20**. The primary parts **30, 32** clearly are spaced from the secondary support **20** and are centered at the secondary element **28**. The secondary support **20** is comprised of an I-beam **94** to which are attached plates **96, 98**. (Col. 4, Lines 65-68) The plates **96, 98** support the secondary element **28** and provide a surface for the rollers **72** which help maintain the air gap between the primary elements and the secondary element. (Col. 5, Lines 22-27) If the air gap between the primary elements **30, 32** and the secondary element **28** is maintained, obviously the primary elements don't move relative to one another "within" the secondary support **20**.

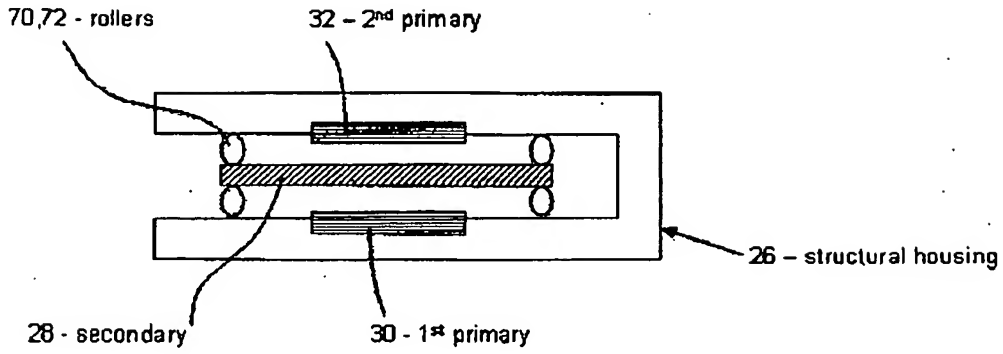
The mainstays **68** strengthen and stiffen each primary element to minimize deflection and that structural rigidity is particularly important in **maintaining the required air gap** between the secondary element and the primary elements. Accordingly, the primary elements **30, 32** are rigidly incorporated into the housing **26** and are at a fixed distance from each other as well as from the secondary element **28**. Accordingly, all attractive force between the secondary and primary parts is completely absorbed into the fixed structural housing **26** which spans across both sides of the secondary element **28**.

Gagnon teaches that the housing **26** is constructed of structural steel and includes a primary assembly **38** (Col. 2, Lines 56-59) which in turn comprises a pair of mainstays **68** (Col. 3, lines 11-24). Furthermore, each primary element **30, 32** is affixed to the mainstays **68** by welding. (Col. 3, Lines 40-41) Each mainstay **strengthens and stiffens each primary element against deflection due to magnetic and other dynamic loads**. (Col. 3, Lines 41-43) Deflection of the primary elements **must be minimized to maintain air gaps between each primary element and the secondary element** thereby minimizing the potential for interference therebetween. (Col. 3, Lines 44-47) Each mainstay **68** also transmits the loads and forces within the motor assembly to the housing **26**. (Col. 3, Lines 47-49).

Moreover, it is impossible to perceive how the primaries **30, 32** could deflect due to magnetic or other dynamic loads since they are actually composed of a plurality of vertically aligned steel laminations which compressed together by brackets **76** and are welded to the mainstays **68**. (Fig. 6 and Col. 3, Lines 54-61) Thus, Gagnon shows the following:

- The primaries **30, 32** are structurally rigid since they are composed of a plurality of steel laminations.
- Each mainstay **68** is a structurally rigid component of the housing **26**.
- It is well established that welds do not deflect; they either hold or fracture completely.

Accordingly, the housing **26**, the mainstays **68** and the primaries **30, 32** of Gagnon form a **unitary rigid structure** as shown schematically below.



It is apparent therefore that the primaries **30, 32** of Gagnon are **fixed relative to each other** and **not movable relative to one another** as required by Applicants' independent Claims 1, 10 and 12. Rollers **70, 72** center the structural housing **26** symmetrically about the secondary **28**. If the secondary **28** deflects along the travel path of the elevator, the rollers **70, 72** merely guide the structural housing **26** along the same deflection. The rollers **70, 72** maintain a specific gap between each of the primaries **30, 32** and the secondary **28**, whereas the distance between the primaries is fixed by their rigid incorporation into the structural housing **26** as discussed in detail above.

In view of the above arguments, Applicants believe that the claims of record define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.